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CONCORD, N.H.

1953

Aug. 12

Major General Charles T. Brown
The Adjutant General
State House

Dear Sir:

You have recently pointed out that under the provisions of R. L. c. 283, s. 20 as amended by Laws 1949, c. 244, s. 4 a forest fire warden may call such assistance as he deems necessary to aid him in the suppression of forest fires, and that by R. L. c. 283, s. 21, persons failing to respond to such call are subject to criminal process and a penalty. You inquire whether these provisions apply to members of the National Guard when not on active duty as members of the military establishment.

We have carefully searched the statutes dealing with the National Guard, and find no provision which would excuse its members from responding to such call while not on active duty. Whether or not forest fire fighting may be prescribed as an indispensable employment for National Guardsmen must depend upon federal regulations; no clear authority for such position is found in state law.

In this view, it is believed that the matter is to be resolved only by legislation. In this connection, provisions might well be made also for an exception from jury duty.

Very truly yours,

Warren E. Waters
Assistant Attorney General

WM:NM

H. H. O.

For GEORGE E. MATTERS

July 22, 1953

FOR YOUR ATTENTION

The Adjutant General inquires whether the provisions of R. I. c. 233, s. 20 as amended by Laws 1949 c. 244, s. 4 apply to National Guardsmen not on actual duty.

And, whether the Adjutant General might prescribe that fighting forest fires is an incompatible employment for a National Guardsman.

Routing Date Aug 12 1953

ATTORNEY GENERAL'S OFFICE

Intra-Office Routing Slip

P	NAME	A	I	F	DATE	INITIALS
1	LOUIS C. WYMAN		✓		8/12/53	lw
	HN N. NASSIKAS				8/12/53	gmn
	WARREN WATERS					
	GEORGE F. NELSON				8/13/53	GFN
✓	ARTHUR BEAN				8/17	AB
	MARION ALEXANDER					
5	ELMER BOURQUE					CTB
6				✓		

COMMENT:

P=Priority
A=Action
I=Info.
F=File